

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

COALITION FOR GOOD
GOVERNANCE and DONNA
CURLING,

Plaintiffs,

v.

COFFEE COUNTY BOARD OF
ELECTIONS AND REGISTRATION,

Defendant.

Civil Action No. 5:23-mc-00001-
LGW-BWC

In RE Subpoenas issued by the
United States District Court
For the Northern District of
Georgia, Atlanta Division,
Civil Action File No. 1:17-CV-
2989-AT

**PLAINTIFF COALITION FOR GOOD GOVERNANCE'S NOTICE
OF CORRECTION TO PREVIOUSLY FILED MOTION FOR
SANCTIONS BRIEF AND PROPOSED BRIEFING SCHEDULE
REGARDING MOTION FOR SANCTIONS**

Plaintiff Coalition for Good Governance ("CGG") filed its Motion for Sanctions (Doc. 60) on February 20, 2024, pursuant to the Court's ordered deadline of February 19, 2024, which fell on a federal holiday. On February 15, counsel contacted the Court's staff to confirm the deadline was actually February 20. In the absence of the Deputy Clerk, counsel was directed to Rule 6 (a)(1). While also working on required post-trial matters in the underlying *Curling* case (e.g., proposed findings of fact and

conclusions of law for the three-week trial), CGG's legal team and experts worked through the weekend and on February 19 to complete and file the Motion late in the evening February 20.

Given both the time constraints and the complexity of the Motion, the Motion necessarily included preliminary and estimated fees and expenses. As it did in the Motion, Plaintiff CGG hereby requests leave to supplement the Motion to 1) categorize the fees and expenses as explained in the Motion, 2) to refine estimates and categorization of time spent, 3) correct any errors in initial estimates, mistaken facts, or supporting documents, 4) apply additional billing judgment to the amounts to be claimed, and 5) support the proposed categorization of the amounts to be claimed with more specific examples or explanation.¹

Lead counsel for Plaintiffs, Cary Ichter, has filed a leave of absence for March 18-April 5, 2024, for a scheduled surgical procedure and related recovery time. (Doc. 61) With that in mind, Plaintiff CGG respectfully proposes the following briefing schedule:

¹ The need for the additional time until March 4, 2024, for refining the claimed amounts was stated in the Motion. (Doc. 60 at 23)

1. *Plaintiff's Supplemental Brief on Motion for Sanctions*: Plaintiff proposes to file its Supplemental Brief, (not exceeding 7 pages) providing updated and refined claimed amounts along with supporting documents for the proposed categories of fees and expenses, and correction of any errors.²
2. *CCBOER's Response Brief*: Due March 19, 2024.³
3. *Plaintiff's Reply Brief*: Due April 12, 2024.⁴

In addition, Plaintiff CGG wishes to promptly correct the paragraph on page 23 describing Bruce Brown's time. It should read as follows: "Bruce Brown – attorney: As detailed in his declaration (Exhibit

² CCBOER counsel has informed Plaintiff that the dates of the GBI interviews reported by the GBI as August 8 and August 9, 2022 (Doc. 60-6) were misstated by the GBI and actually took place in September 2022. Also, a further review of the Curling trial record found an error in which evidence was introduced at trial as noted in footnote 5 at page 9 of the Motion. Such errors will be corrected in the supplemental filing, should the Court grant such leave.

³ This date is in accordance with the Order Granting Extension of Time to File Response Brief (Doc. 68), which is consistent with CCBOER's Consent Motion to extend the response deadline (Doc. 60).

⁴ Counsel for CCBOER has consented to this date per email dated February 28, 2024, 3:40 p.m.

8), Mr. Brown spent 7.2 hours working on the Motions for Sanctions and preparing his declaration (at \$625, \$4,500) (Doc. 60-8 at 7). Mr. Brown estimates that he spent an additional 54 hours (at \$625, \$33,750) during the period reported on Coffee County discovery because of CCBOER's failure to honor its discovery obligations. (Doc. 60-8 at 6)."⁵ The figure in the Brief of \$190,375 reflects the total amount of hours (304.6) that Mr. Brown spent on Coffee County discovery for the period noted. (Doc. 60-8 at 31). No changes need to be made to Mr. Brown's Declaration, which has the correct totals.

Plaintiff CGG respectfully requests the Court enter an order adopting the proposed schedule.

Respectfully submitted this 29th day of February 2024.

/s/ William Daniel Davis
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⁵ If the Court would prefer that Plaintiff CGG file an amended brief that includes the corrections for greater ease of reading, Plaintiff will do so immediately.

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and

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CERTIFICATE OF SERVICE

I hereby certify that on February 29, 2024, a copy of the foregoing *Plaintiff Coalition for Good Governance's Notice of Correction to Previously Filed Motion for Sanctions Brief and Proposed Briefing Schedule Regarding Motion for Sanctions* was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send notification of such filing to all attorneys of record.

/s/ Cary Ichter

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